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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Phadnis *et al*

Appl. No.: 09/910,937

Filed: 07/24/2001

For: Network Address Translation in a
Gateway

Art Unit: 2182

Examiner: Fleming, Fritz

Atty. Docket: CSCO-005/2899

Declaration by Applicants' Attorney Under 37 CFR 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Declaration is offered to prove

(A) Diligence from a period prior to April 26, 2001 up to the filing date (7/24/2001) of the above-captioned application (points numbered 1-9 below); and

(B) Present unavailability of inventors Praneet BACHHETI and Anuradha KARUPPIAH (points 10-14 below).

I, Narendra R Thappeta, declare as follows:

1. On a day prior to April 26, 2001, I was requested to prepare and file a patent application by Cisco Systems, Inc. (hereafter "Cisco") for a matter identified by Cisco Sequence Number: 2899. That sequence number forms part of the attorney docket number.

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2. On a day prior to April 26, 2001, I met Mr. Amit Phadnis , a named inventor on the subject patent application, in the Cisco Systems' offices of Bangalore (India), and prepared a draft of the patent application.

3. On a day prior to April 26, 2001, I sent a draft of the prepared patent application to Mr. Amit Phadnis by electronic mail (email). A copy of the cover letter sent with the first draft is attached as Exhibit B. The application was prepared based on information I received from Mr. Amit Phadnis in a meeting prior to April 26, 2001.

4. Exhibit B contains a statement that, "The application is believed to be complete in all respects except for the points noted in the footnotes." Based on this statement, it is my recollection that the inventors had disclosed to me (in the meeting noted above in point 2) at least the features of claims 1 and 2.

5. I left Bangalore on May 2, 2001 and arrived in San Francisco on the same date. I returned to Bangalore on May 29, 2001. The attached Exhibit E is a copy of pages from my then Indian passport, contains a stamp from India Immigration authorities showing departure from Bangalore on May 2, 2001 (with DEP for departure) and arrival on May 29, 2001 (with ARR for arrival). Exhibit E also contains a stamp from US immigration authorities confirming my arrival at San Francisco (SFR) on May 2, 2001.

6. I met Mr. Amit Phadnis in Bangalore on June 4, 2001 as noted in Exhibit C attached hereto and received feedback on the draft sent earlier. I revised the application and sent a revised draft on June 6, 2005, as also evidenced by Exhibit C, which is a cover letter sent with the revised draft.

7. I was in the process of relocating my family and office from Silicon Valley, California to Bangalore in March-June 2001. I was the only patent attorney qualified to prepare the patent application in my organization.

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8. In view of the burdens posed by the relocation and due to advantages of face-to-face interaction when receiving feedback, it is my recollection to have suggested (or requested) to receive feedback from the inventors on the first draft after my planned return to Bangalore (which occurred on May 29, 2001, as noted above). Thus, it is believed that the feedback on the draft sent prior to April 26, 2001, was received only on June 4. In between sending of the draft and the feedback, Mr. Amit Phadnis is believed to have reviewed the draft.

9. On June 21 2001, I sent to Mr. Jason Kipnis of Weil, Gotshal and Manges, a draft of the application for his review as evidenced by Exhibit F, which is a copy of the cover letter sent with the draft for review. Between June 6 2005 and June 21 2001, it is believed that Mr. Amit Phadnis reviewed and approved the application for filing.

10. On June 27 2001, I sent the application along with the declaration and assignment documents to the inventors for execution, as evidenced by Exhibit D. I received the signed documents in due course.

11. On July 24 2001, the present patent application was filed with the United States Patent and Trademark Office, and assigned Application Serial No. 09/910,937.

12. I enquired by telephone calls with Mr. Amit Phadnis (inventor on the present case, but no longer employed by the Cisco Systems) and Mr. Pankaj Vyas, presently employed as a manager by Cisco Systems India Private Limited, Bangalore, (where all the three inventors worked at the time of making the invention) on the whereabouts (phone number, email or postal address) of the Mr. Praneet BACHHETI and Ms. Anuradha KARUPPIAH some time in May 2005, and did not receive any pointers or information.

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13. On May 25 2005, I sent a letter to Mr. Praneeth Bachheti by FedEx with tracking number 848724623960 to his last known address of 4311 Norwalk Drive, T#208, San Jose, CA - 95129, as evidenced by Exhibit G. The corresponding tracking details from the URL <http://www.fedex.com/cgi-bin/tracking>, are attached as Exhibit H. As may be readily observed from the tracking results, it is stated that it is an "incorrect address". I also received a call from FedEx Office also confirming that the address was not that of Mr. Praneeth Bachheti, and for instructions on how to handle that package.

14. I further performed a search on Google search engine (www.google.com) with

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